

## Remarks/Arguments

### Status of the Application

Prior to the entry of this amendment, claims 2-10, 13, 16-18, 20-22, 24-27, 29-33, 37, 40-52, 54-57, 59-61 and 63-77 were pending in this application, but of these claims 55 and 56 were already withdrawn from consideration.

In the Office Action claims 30, 31, 40-45, 48, 49, 52, 57, 59-61, 63 and 65-77 were allowed. Claims 2-10, 13, 16-18, 20-22, 24-27, 29, 32, 33, 37, 46, 47, 50, 51, 54, and 64 were rejected.

### *Amendments*

The present amendment amends claim 2 by adding to it the limitations of former claims 3, 20 and 21, which have now been cancelled. Claim 13 has been amended to state that the sealing material of claim 1 is enclosed in a membrane, as shown in Fig. 5. Claims 16 and 22 has been made appendant to claim 2 and claim 64 has been cancelled. Claim 37 has been cancelled along with claims 46, 47, 50 and 51. No new matter has been added by these amendments.

### *Claims series now presented for examination:*

Claim 2 with dependent claims 4-10, 13, 16-18, 22, 24-27, 29, 32, 33 and 54

Independent claim 40 (allowed) with dependent claims 41-45, 48, 49, 52, 59, 60, 63, 65 and 66.

Independent claim 57 (allowed) with dependent claims 30, 31, 61 and 67-70.

Independent claim 71 (allowed) with dependent claims 72-77.

***Overall list of claims now presented***

The overall list of claims now presented for examination is therefore 2, 4-10, 13, 16-18, 22, 24-27, 29-33, 40-45, 48,49, 52, 54, 57, 59-61, 63 and 65-77.

Applicants respectfully request reconsideration of this application as amended.

**35 U.S.C. § 103 Rejections**

Applicants note that the examiner rejected claim 2 and its sub-claims as obvious over a combination of Cheymol et al and newly cited Parent. Without making any admission concerning those grounds of rejection, applicants point out that claim 2 now contains the limitations of previous claims 3, 20 and 21. The claim as amended requires a ring of sealing material, confined within a space bounded by well tubing, surrounding formation and cement.

Applicants note that the present Office Action has not specifically addressed claims 20 and 21.

As has been mentioned at earlier stages, Cheymol Fig 6 shows a sealing material 18 confined between seal elements 2. This material is not in contact with cement C neither is it maintained under compression after it has set. In addition to these distinctions from Cheymol, claim1 now requires first and second cement sheaths, with the sealing material located between them and in contact with them. Nothing of the sort is shown by Cheymol.

Parent does not teach the items missing from Cheymol. Parent is concerned with packer(s) which are temporary and are movable along tubing. These packers are inflatable and deflatable and there is no suggestion that they should be confined between cement sheaths.

Moreover, to do so would locate them permanently in place, which is exactly what Parent is seeking to avoid.

Applicant respectfully submits that Claim2 as amended is not obvious over a combination of Cheymol and Parent because of either or both of the following:

- Cheymol and Parent use opposite approaches which can only be combined through exercise of hindsight. Cheymol fills a space with a composition which is allowed to set and is not (so far as taught by Cheymol) in need of being maintained under pressure. It is not deflatable; it is intended to be permanent. By contrast Parent relies on temporary inflation of a deflatable membrane. The documents do not suggest maintaining pressure on a space-filling sealing material.
- Cheymol uses cement in one part of the wellbore and the settable composition of his disclosure in another part. There is no teaching to seek co-operation of cement and Cheymol's settable composition. Still less is there any disclosure of using cement above and below a region and then placing a sealing material in the space which has been so defined. These features are not suggested by Parent.

### **Conclusion**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

In the event that a fee or refund is due in connection with this Amendment, the Commissioner is hereby authorized to charge any underpayment or credit any overpayment to Deposit Account No 19-0615.

Should the Examiner have any questions or comments, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

/James McAleenan/  
James McAleenan  
Registration No. 56,820

Schlumberger Doll Research  
I. P. Law Department  
P.O. Box 425045  
Cambridge, MA 02142  
Phone: (617) 768-2421  
Fax: (617) 768-2402  
Date: April 1, 2009